



Rep. Jay Hoffman

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LRB098 17096 NHT 56142 a

1 AMENDMENT TO HOUSE BILL 4775

2 AMENDMENT NO. _____. Amend House Bill 4775 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 10-22.6 and 34-19 as follows:

6 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

7 Sec. 10-22.6. Suspension or expulsion of pupils; school
8 searches.

9 (a) To expel pupils guilty of gross disobedience or
10 misconduct, including gross disobedience or misconduct
11 perpetuated by electronic means, or to expel pupils as provided
12 in subsection (d-10) of this Section, and no action shall lie
13 against them for such expulsion. Expulsion shall take place
14 only after the parents have been requested to appear at a
15 meeting of the board, or with a hearing officer appointed by
16 it, to discuss their child's behavior. Such request shall be

1 made by registered or certified mail and shall state the time,
2 place and purpose of the meeting. The board, or a hearing
3 officer appointed by it, at such meeting shall state the
4 reasons for dismissal and the date on which the expulsion is to
5 become effective. If a hearing officer is appointed by the
6 board he shall report to the board a written summary of the
7 evidence heard at the meeting and the board may take such
8 action thereon as it finds appropriate. An expelled pupil may
9 be immediately transferred to an alternative program in the
10 manner provided in Article 13A or 13B of this Code. A pupil
11 must not be denied transfer because of the expulsion, except in
12 cases in which such transfer is deemed to cause a threat to the
13 safety of students or staff in the alternative program.

14 (b) To suspend or by policy to authorize the superintendent
15 of the district or the principal, assistant principal, or dean
16 of students of any school to suspend pupils guilty of gross
17 disobedience or misconduct, ~~or~~ to suspend pupils guilty of
18 gross disobedience or misconduct on the school bus from riding
19 the school bus, or to suspend pupils as provided in subsection
20 (d-10) of this Section, and no action shall lie against them
21 for such suspension. The board may by policy authorize the
22 superintendent of the district or the principal, assistant
23 principal, or dean of students of any school to suspend pupils
24 guilty of such acts for a period not to exceed 10 school days.
25 If a pupil is suspended due to gross disobedience or misconduct
26 on a school bus, the board may suspend the pupil in excess of

1 10 school days for safety reasons. Any suspension shall be
2 reported immediately to the parents or guardian of such pupil
3 along with a full statement of the reasons for such suspension
4 and a notice of their right to a review. The school board must
5 be given a summary of the notice, including the reason for the
6 suspension and the suspension length. Upon request of the
7 parents or guardian the school board or a hearing officer
8 appointed by it shall review such action of the superintendent
9 or principal, assistant principal, or dean of students. At such
10 review the parents or guardian of the pupil may appear and
11 discuss the suspension with the board or its hearing officer.
12 If a hearing officer is appointed by the board he shall report
13 to the board a written summary of the evidence heard at the
14 meeting. After its hearing or upon receipt of the written
15 report of its hearing officer, the board may take such action
16 as it finds appropriate. A pupil who is suspended in excess of
17 20 school days may be immediately transferred to an alternative
18 program in the manner provided in Article 13A or 13B of this
19 Code. A pupil must not be denied transfer because of the
20 suspension, except in cases in which such transfer is deemed to
21 cause a threat to the safety of students or staff in the
22 alternative program.

23 (c) The Department of Human Services shall be invited to
24 send a representative to consult with the board at such meeting
25 whenever there is evidence that mental illness may be the cause
26 for expulsion or suspension.

1 (d) The board may expel a student for a definite period of
2 time not to exceed 2 calendar years, as determined on a
3 case-by-case ~~case-by-case~~ basis. A student who is determined to
4 have brought one of the following objects to school, any
5 school-sponsored activity or event, or any activity or event
6 that bears a reasonable relationship to school shall be
7 expelled for a period of not less than one year:

8 (1) A firearm. For the purposes of this Section,
9 "firearm" means any gun, rifle, shotgun, weapon as defined
10 by Section 921 of Title 18 of the United States Code,
11 firearm as defined in Section 1.1 of the Firearm Owners
12 Identification Card Act, or firearm as defined in Section
13 24-1 of the Criminal Code of 2012. The expulsion period
14 under this subdivision (1) may be modified by the
15 superintendent, and the superintendent's determination may
16 be modified by the board on a case-by-case basis.

17 (2) A knife, brass knuckles or other knuckle weapon
18 regardless of its composition, a billy club, or any other
19 object if used or attempted to be used to cause bodily
20 harm, including "look alike" of any firearm as defined in
21 subdivision (1) of this subsection (d). The expulsion
22 requirement under this subdivision (2) may be modified by
23 the superintendent, and the superintendent's determination
24 may be modified by the board on a case-by-case basis.

25 Expulsion or suspension shall be construed in a manner
26 consistent with the Federal Individuals with Disabilities

1 Education Act. A student who is subject to suspension or
2 expulsion as provided in this Section may be eligible for a
3 transfer to an alternative school program in accordance with
4 Article 13A of the School Code. The provisions of this
5 subsection (d) apply in all school districts, including special
6 charter districts and districts organized under Article 34.

7 (d-5) The board may suspend or by regulation authorize the
8 superintendent of the district or the principal, assistant
9 principal, or dean of students of any school to suspend a
10 student for a period not to exceed 10 school days or may expel
11 a student for a definite period of time not to exceed 2
12 calendar years, as determined on a case-by-case ~~case-by-case~~
13 basis, if (i) that student has been determined to have made an
14 explicit threat on an Internet website against a school
15 employee, a student, or any school-related personnel, (ii) the
16 Internet website through which the threat was made is a site
17 that was accessible within the school at the time the threat
18 was made or was available to third parties who worked or
19 studied within the school grounds at the time the threat was
20 made, and (iii) the threat could be reasonably interpreted as
21 threatening to the safety and security of the threatened
22 individual because of his or her duties or employment status or
23 status as a student inside the school. The provisions of this
24 subsection (d-5) apply in all school districts, including
25 special charter districts and districts organized under
26 Article 34 of this Code.

1 (d-10) In this subsection (d-10), "violent felony" means a
2 violent felony as defined in Section 5 of the Medical School
3 Matriculant Criminal History Records Check Act.

4 Subject to subsections (a) and (b) of this Section, the
5 board may suspend or, by policy, authorize the superintendent
6 of the district or the principal, assistant principal, or dean
7 of students of a school to suspend a student for a period not
8 to exceed 10 school days or may expel a student for a definite
9 period of time not to exceed 2 calendar years, as determined on
10 a case-by-case basis, if (i) the student has been charged with
11 a violent felony or convicted of a violent felony and (ii) the
12 board or, as authorized by board policy, the superintendent of
13 the district or the principal, assistant principal, or dean of
14 students of the school determines that the student's continued
15 presence in school would have a substantial detrimental effect
16 on the general welfare of the school. If the charge has been
17 dropped or the student has been found not guilty, the student
18 may be fully reinstated in school.

19 The provisions of this subsection (d-10) apply in all
20 school districts, including special charter districts and
21 districts organized under Article 34 of this Code.

22 (e) To maintain order and security in the schools, school
23 authorities may inspect and search places and areas such as
24 lockers, desks, parking lots, and other school property and
25 equipment owned or controlled by the school, as well as
26 personal effects left in those places and areas by students,

1 without notice to or the consent of the student, and without a
2 search warrant. As a matter of public policy, the General
3 Assembly finds that students have no reasonable expectation of
4 privacy in these places and areas or in their personal effects
5 left in these places and areas. School authorities may request
6 the assistance of law enforcement officials for the purpose of
7 conducting inspections and searches of lockers, desks, parking
8 lots, and other school property and equipment owned or
9 controlled by the school for illegal drugs, weapons, or other
10 illegal or dangerous substances or materials, including
11 searches conducted through the use of specially trained dogs.
12 If a search conducted in accordance with this Section produces
13 evidence that the student has violated or is violating either
14 the law, local ordinance, or the school's policies or rules,
15 such evidence may be seized by school authorities, and
16 disciplinary action may be taken. School authorities may also
17 turn over such evidence to law enforcement authorities. The
18 provisions of this subsection (e) apply in all school
19 districts, including special charter districts and districts
20 organized under Article 34.

21 (f) Suspension or expulsion may include suspension or
22 expulsion from school and all school activities and a
23 prohibition from being present on school grounds.

24 (g) A school district may adopt a policy providing that if
25 a student is suspended or expelled for any reason from any
26 public or private school in this or any other state, the

1 student must complete the entire term of the suspension or
2 expulsion in an alternative school program under Article 13A of
3 this Code or an alternative learning opportunities program
4 under Article 13B of this Code before being admitted into the
5 school district if there is no threat to the safety of students
6 or staff in the alternative program. This subsection (g)
7 applies to all school districts, including special charter
8 districts and districts organized under Article 34 of this
9 Code.

10 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;
11 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff. 7-13-12;
12 97-1150, eff. 1-25-13.)

13 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

14 Sec. 34-19. By-laws, rules and regulations; business
15 transacted at regular meetings; voting; records. The board
16 shall, subject to the limitations in this Article, establish
17 by-laws, rules and regulations, which shall have the force of
18 ordinances, for the proper maintenance of a uniform system of
19 discipline for both employees and pupils, and for the entire
20 management of the schools, and may fix the school age of
21 pupils, the minimum of which in kindergartens shall not be
22 under 4 years, except that, based upon an assessment of the
23 child's readiness, children who have attended a non-public
24 preschool and continued their education at that school through
25 kindergarten, were taught in kindergarten by an appropriately

1 certified teacher, and will attain the age of 6 years on or
2 before December 31 of the year of the 2009-2010 school term and
3 each school term thereafter may attend first grade upon
4 commencement of such term, and in grade schools shall not be
5 under 6 years. It may expel, suspend or, subject to the
6 limitations of all policies established or adopted under
7 Section 14-8.05, otherwise discipline any pupil found guilty of
8 gross disobedience, misconduct or other violation of the
9 by-laws, rules and regulations, including gross disobedience
10 or misconduct perpetuated by electronic means, and may expel or
11 suspend pupils as provided in subsection (d-10) of Section
12 10-22.6 of this Code. An expelled pupil may be immediately
13 transferred to an alternative program in the manner provided in
14 Article 13A or 13B of this Code. A pupil must not be denied
15 transfer because of the expulsion, except in cases in which
16 such transfer is deemed to cause a threat to the safety of
17 students or staff in the alternative program. A pupil who is
18 suspended in excess of 20 school days may be immediately
19 transferred to an alternative program in the manner provided in
20 Article 13A or 13B of this Code. A pupil must not be denied
21 transfer because of the suspension, except in cases in which
22 such transfer is deemed to cause a threat to the safety of
23 students or staff in the alternative program. The bylaws, rules
24 and regulations of the board shall be enacted, money shall be
25 appropriated or expended, salaries shall be fixed or changed,
26 and textbooks, electronic textbooks, and courses of

1 instruction shall be adopted or changed only at the regular
2 meetings of the board and by a vote of a majority of the full
3 membership of the board; provided that notwithstanding any
4 other provision of this Article or the School Code, neither the
5 board or any local school council may purchase any textbook for
6 use in any public school of the district from any textbook
7 publisher that fails to furnish any computer diskettes as
8 required under Section 28-21. Funds appropriated for textbook
9 purchases must be available for electronic textbook purchases
10 and the technological equipment necessary to gain access to and
11 use electronic textbooks at the local school council's
12 discretion. The board shall be further encouraged to provide
13 opportunities for public hearing and testimony before the
14 adoption of bylaws, rules and regulations. Upon all
15 propositions requiring for their adoption at least a majority
16 of all the members of the board the yeas and nays shall be
17 taken and reported. The by-laws, rules and regulations of the
18 board shall not be repealed, amended or added to, except by a
19 vote of 2/3 of the full membership of the board. The board
20 shall keep a record of all its proceedings. Such records and
21 all by-laws, rules and regulations, or parts thereof, may be
22 proved by a copy thereof certified to be such by the secretary
23 of the board, but if they are printed in book or pamphlet form
24 which are purported to be published by authority of the board
25 they need not be otherwise published and the book or pamphlet
26 shall be received as evidence, without further proof, of the

1 records, by-laws, rules and regulations, or any part thereof,
2 as of the dates thereof as shown in such book or pamphlet, in
3 all courts and places where judicial proceedings are had.

4 Notwithstanding any other provision in this Article or in
5 the School Code, the board may delegate to the general
6 superintendent or to the attorney the authorities granted to
7 the board in the School Code, provided such delegation and
8 appropriate oversight procedures are made pursuant to board
9 by-laws, rules and regulations, adopted as herein provided,
10 except that the board may not delegate its authorities and
11 responsibilities regarding (1) budget approval obligations;
12 (2) rule-making functions; (3) desegregation obligations; (4)
13 real estate acquisition, sale or lease in excess of 10 years as
14 provided in Section 34-21; (5) the levy of taxes; or (6) any
15 mandates imposed upon the board by "An Act in relation to
16 school reform in cities over 500,000, amending Acts herein
17 named", approved December 12, 1988 (P.A. 85-1418).

18 (Source: P.A. 96-864, eff. 1-21-10; 96-1403, eff. 7-29-10;
19 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff.
20 7-13-12.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."